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Attorneys for Defendants
CHASE BANK U.S.A., N.A., CHASE MANHATTAN
BANK U.S.A., N.A. d.b.a. CHASE BANK U.S.A., N.A.
and JPMORGAN CHASE & CO.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID J. LEE and DANIEL R.
LLOYD, as individuals and, on behalf of
others similarly situated,

Plaintiffs,

vs.

CHASE MANHATTAN BANK U.S.A.,
N.A., a Delaware corporation, CHASE
MANHATTAN BANK U.S.A., N.A.
d.b.a. CHASE BANK U.S.A., N.A.,
JPMORGAN CHASE & CO., a
Delaware corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No. C07 4732 MJJ

THE HON. MARTIN J. JENKINS

**DEFENDANTS'
ADMINISTRATIVE MOTION FOR
CONTINUANCE OF THE
HEARING ON THE MOTION TO
DISMISS, CURRENTLY SET FOR
DECEMBER 11, 2007**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant Chase Bank U.S.A., N.A., erroneously sued as Chase Manhattan Bank U.S.A., N.A. and JPMorgan Chase & Co. (“Chase”), hereby submits this administrative Motion requesting that the Court grant a continuance of the hearing on Defendants’ Motion to Dismiss, currently set for December 11, 2007 (the “Motion”). Chase requests that the hearing be continued to January 8, 2008.

Pursuant to Civil Local Rule 7-11, this Motion is made on the grounds that counsel for Defendants will be in New York City on December 10, 2007, the day before the hearing in this case, for oral argument before the Court of Appeals for the Second Circuit in another matter and for subsequent client meetings. Defendants’ counsel would be unable to meet their professional commitments on the other matter on December 10 and properly prepare and travel to San Francisco to attend the hearing in this case currently set for December 11, 2007.

This Motion is based upon this Motion, the attached Memorandum of Points and Authorities and Declaration of Stephen J. Newman, the pleadings and records on file herein and on such other and further argument and evidence as may be presented.

Counsel for Plaintiffs declined to consent to the continuance.

Dated: November 28, 2007

STROOCK & STROOCK & LAVAN LLP
JULIA B. STRICKLAND
STEPHEN J. NEWMAN

By: /s/ Stephen J. Newman
Stephen J. Newman

Attorneys for Defendants
CHASE BANK U.S.A., N.A., CHASE
MANHATTAN BANK U.S.A., N.A. d.b.a.
CHASE BANK U.S.A., N.A. and
JPMORGAN CHASE & CO.

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to Civil Local Rule 7-11, Defendant Chase Bank U.S.A., N.A., erroneously sued as Chase Manhattan Bank U.S.A., N.A. and JPMorgan Chase & Co. (“Chase”), hereby respectfully submits the instant Motion for Continuance of the Hearing on Defendants’ Motion to Dismiss, currently set for December 11, 2007.

On or about October 25, 2007, Chase filed a Motion to Dismiss in this case. Plaintiffs filed an opposition on November 13, 2007, to which Chase timely filed its Reply on November 20, 2007. The hearing on the Motion to Dismiss was originally set for December 4, 2007. This date was acceptable to all counsel and open on the Court’s calendar. The Court, sua sponte, ordered the hearing moved to December 11, 2007. Based on good cause, Chase now seeks an order granting Chase a continuance of the December 11 hearing. Given Chase’s counsel’s other professional commitments, Defendants respectfully request that the hearing be set for January 8, 2008, the same day as the initial case management conference.¹

Good cause exists for Chase to request a continuance in this case. See Declaration of Stephen J. Newman (attached hereto as Exhibit A). The hearing on the Motion to Dismiss was originally set for December 4, 2007, but was ordered moved by the Court to December 11, 2007. Id., ¶ 2. Counsel for Defendants will be in New York City on December 10, 2007 for oral argument before the Court of Appeals for the Second Circuit in another matter and for subsequent client meetings. Id., ¶ 3. Thus, Defendant’s counsel would be unable to properly prepare and travel to San Francisco to attend the December 11 hearing in this case. Id. This is Chase’s first request for a motion continuance in this case, and the Court and the parties would be best served by the grant of the continuance so that counsel for Defendants may adequately prepare for the hearing.

¹ December 18, 2007 is not an available day because counsel are scheduled to be in Chicago for another matter.

1 Chase has sought the consent of Plaintiffs' counsel to this Motion but counsel
2 declined to give it. Id., ¶ 5.

3 Dated: November 28, 2007

STROOCK & STROOCK & LAVAN LLP
JULIA B. STRICKLAND
STEPHEN J. NEWMAN

5 By: /s/ Stephen J. Newman

6 Stephen J. Newman

Attorneys for Defendants

7 CHASE BANK U.S.A., N.A., CHASE
8 MANHATTAN BANK U.S.A., N.A. d.b.a.
9 CHASE BANK U.S.A., N.A. and
10 JPMORGAN CHASE & CO.

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